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10 VERONICA BRIZUELA

11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF ARIZONA**

14 VERONICA BRIZUELA

15 Plaintiff,

16 vs.

17 GC SERVICES, LP; and DOES 1
18 through 10, inclusive,

19 Defendants.

20 Case No.:

21 **COMPLAINT AND DEMAND FOR
22 JURY TRIAL**

23 (Unlawful Debt Collection Practices)

24 Demand Does Not Exceed \$10,000

25 **COMPLAINT AND DEMAND FOR JURY TRIAL**

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff,

1 Veronica Brizuela, an individual consumer, against Defendant, GC
2 Services, LP, for violations of the Fair Debt Collection Practices Act, 15
3 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt
4 collectors from engaging in abusive, deceptive, and unfair practices.
5

6 *II. JURISDICTION*

- 7 2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C.
8 § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and
9 2202. Venue in this District is proper in that the Defendant transacts
10 business here.
11

12 *III. PARTIES*

- 13 3. Plaintiff, Veronica Brizuela, is a natural person with a permanent
14 residence in Mesa, Maricopa County, Arizona 85207.
15
16 4. Upon information and belief, the Defendant, GC Services, LP, is a
17 corporation engaged in the business of collecting debt in this state and in
18 several other states, with its principal place of business located at 6330
19 Gulfton St., Suite 300, Houston, Harris County, Texas 77081. The
20 principal purpose of Defendant is the collection of debts in this state and
21 several other states, and Defendant regularly attempts to collect debts
22 alleged to be due another.
23
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- 1 5. Defendant is engaged in the collection of debts from consumers using the
2 mail and telephone. Defendant regularly attempts to collect consumer
3 debts alleged to be due to another. Defendant is a “debt collector” as
4 defined by the FDCPA, 15 U.S.C. § 1692a(6).
5

6 *IV. FACTUAL ALLEGATIONS*

- 7 6. The debt that Defendant is attempting to collect on is an alleged
8 obligation of a consumer to pay money arising out of a transaction in
9 which the money, property, insurance or services which are the subject of
10 the transaction are primarily for personal, family, or household purposes,
11 whether or not such obligation has been reduced to judgment.
12
13 7. Within one (1) year preceding the date of this Complaint, Defendant, in
14 connection with the collection of the alleged debt, contact Plaintiff and
15 threatened to garnish Plaintiff’s wages.
16
17 8. Defendant has no standing to commence garnishment proceedings on
18 behalf of the creditor.
19
20 9. Defendant is a debt collection company and as a debt collection company
21 attempting to collection an alleged debt, Defendant can only refer the
22 matter back to the creditor with a recommendation that the original
23 creditor attempt legal proceedings which could result in garnishment.
24
25

1 10. The representations made to Plaintiff by Defendant regarding
2 garnishment were false.

3 11. The natural consequences of Defendant's statements and actions were to
4 unjustly condemn and vilify Plaintiff for her non-payment of the debt she
5 allegedly owed.
6

7 12. The natural consequences of Defendant's statements and actions were to
8 produce an unpleasant and/or hostile situation between Defendant and
9 Plaintiff.
10

11 13. The natural consequences of Defendant's statements and actions were to
12 cause Plaintiff mental distress.

13 14. Defendant utilized unfair and unconscionable means to collect on
14 Plaintiff's alleged debt, by lying to and misleading Plaintiff.
15

16 *V. CLAIM FOR RELIEF*

17 15. Plaintiff repeats and realleges and incorporates by reference to the
18 foregoing paragraphs.
19

20 16. Defendants violated the FDCPA. Defendants' violations include, but are
21 not limited to, the following:

22 (a) Defendant violated §1692d of the FDCPA by engaging in conduct
23 the natural consequences of which is to harass, oppress, or abuse
24
25

1 any person in connection with the collection of an alleged debt;
2 and

3 (b) Defendant violated §1692e of the FDCPA by using a false,
4 deceptive, or misleading representation or means in connection
5 with the collection of the alleged debt; and
6

7 (c) Defendant violated §1692e(4) of the FDCPA by giving the false
8 representation or implication that nonpayment of the alleged debt
9 will result in the garnishment of wages of any person when such
10 action is unlawful and the Defendant does not intend to take such
11 action; and
12

13 (d) Defendant violated §1692e(5) of the FDCPA by threatening to take
14 action that the Defendant does not intend to take and/or the
15 Defendant cannot legally take; and
16

17 (e) Defendant violated §1692e(10) of the FDCPA by using false
18 representation or deceptive means in connection with the collection
19 the alleged debt; and
20

21 (f) Defendant violated §1692f of the FDCPA by using unfair or
22 unconscionable means in connection with the collection of an
23 alleged debt.
24
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1 17. Defendant's acts as described above were done intentionally with the
2 purpose of coercing Plaintiff to pay the alleged debt.

3 18. As a result of the foregoing violations of the FDCPA, Defendant is liable
4 to the Plaintiff, Veronica Brizuela, for declaratory judgment that
5 Defendant's conduct violated the FDCPA, actual damages, statutory
6 damages, and costs and attorney fees.
7

8
9 **WHEREFORE**, Plaintiff respectfully requests that judgment be entered against
10 Defendant, GC Services, LP, for the following:
11

- 12 A. Declaratory judgment that Defendant's conduct violated the FDCPA.
13 B. Actual damages.
14 C. Statutory damages pursuant to 15 U.S.C. § 1692k.
15 D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.
16 E. Awarding Plaintiff any pre-judgment and post-judgment interest as may be
17 allowed under the law.
18
19 F. For such other and further relief as the Court may deem just and proper.
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DEMAND FOR JURY TRIAL

Please take notice that Plaintiff, Veronica Brizuela, demands trial by jury in this action.

DATED: September 26,
2012

RESPECTFULLY SUBMITTED,
PRICE LAW GROUP APC

By: /s/ David Ali Chami
David Ali Chami
Attorney for Plaintiff